
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA	:	Hon. Michael A. Hammer
	:	
v.	:	Mag. No. 18-4099
	:	
JOSEPH CAPO and ANTOINETTE	:	<u>CRIMINAL COMPLAINT</u>
FISCHER	:	
	:	UNDER SEAL

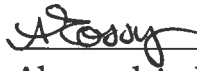
I, Alexandria M. Rossy, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with the United States Secret Service and that this Complaint is based on the following facts:

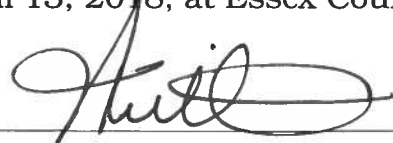
SEE ATTACHMENT B

continued on the attached page and made a part hereof.



Alexandria M. Rossy
Special Agent
United States Secret Service

Sworn to before me and subscribed in my presence,
April 13, 2018, at Essex County, New Jersey



Honorable Michael A. Hammer
United States Magistrate Judge

ATTACHMENT A

Count One
(Conspiracy to Commit Wire Fraud)

From in or around September 2013 through in or around October 2015, in Hudson and Bergen Counties, in the District of New Jersey, and elsewhere, defendants

JOSEPH CAPO
and
ANTOINETTE FISCHER

did knowingly and intentionally conspire and agree with each other and others to devise a scheme and artifice to defraud Merchant-1, and others, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and, for the purpose of executing such scheme and artifice to defraud, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, certain signs, signals, and sounds, for the purpose of executing such scheme and artifice, contrary to Title 18, United States Code, Section 1343.

In violation of Title 18, United States Code, Section 1349.

ATTACHMENT B

I, Alexandria M. Rossy, am a Special Agent with the United States Secret Service ("USSS"). I have knowledge about the facts set forth below from my involvement in the investigation, my review of reports, documents, pictures, videos, witness interviews, and discussions with other law enforcement officials. Because this affidavit is submitted for the limited purpose of establishing probable cause, I have not set forth each and every fact that I know concerning this investigation. All statements described herein are relayed in substance and in part. In addition, where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

1. From in or around September 2013 through in or around October 2015, defendants JOSEPH CAPO and ANTOINETTE FISCHER conspired with each other and others to fraudulently obtain merchandise from "Merchant-1," a large national retailer with locations throughout the United States, including in New Jersey, by manipulating employees of Merchant-1 to place money on stolen gift cards, which defendants JOSEPH CAPO and ANTOINETTE FISCHER then redeemed to purchase merchandise from Merchant-1 at retail locations in New Jersey, New York, Pennsylvania, Nevada and elsewhere.

2. From in or around September 2013 through in or around October 2015, all transactions concerning funds for Merchant-1 gift cards were processed through servers located in Minneapolis, Minnesota. In other words, any point-of-sale transaction originating at any of Merchant-1's stores throughout the United States that uses a credit card, debit card or other charge card, including Merchant-1 gift cards, is transmitted to and processed through servers located in Minneapolis, Minnesota.

3. Over the course of this scheme, defendants JOSEPH CAPO and ANTOINETTE FISCHER stole over \$100,000 in merchandise from Merchant-1.

Sample Transactions on or about September 19-20, 2013

4. On or about September 19, 2013, at approximately 7:48 p.m., a call was placed to a Merchant-1 location in Brooklyn, New York (the "Brooklyn Store"). During that phone call, the caller claimed that he was a corporate security employee of Merchant-1, and provided instructions to a Merchant-1 store employee at the Brooklyn Store that caused the employee to load the Merchant-1 gift card ending in 0406 with \$2,000 in store credit.

5. Merchant-1 has a toll-free number that connects customers to an automated system that allows the customers to check the balance on their Merchant-1 gift cards. The balance on the Merchant-1 gift card ending in 0406 was checked through Merchant-1's system five different times on or about

September 19, 2013 by a caller using a telephone number ending in 2549, which belonged to defendant JOSEPH CAPO.

6. Later that same day, an individual ("Individual-1") visited Merchant-1 locations in North Bergen, Edgewater and Jersey City, New Jersey (the "North Bergen Store" and "Edgewater Store," respectively). Using the Merchant-1 gift card ending in 0406, Individual-1 purchased one or more items for approximately \$670.98 at the North Bergen Store, and one or more items for approximately \$1,101 at the Edgewater Store. The next day, on or about September 20, 2013, an unknown individual visited a Merchant-1 location in Jersey City (the "Jersey City Store") and used the Merchant-1 gift card ending in 0406 to purchase one or more items for approximately \$197.22 at the Jersey City Store.

Sample Transaction on September 25, 2013

7. On or about September 25, 2013, at approximately 1:46 p.m., a phone number belonging to defendant JOSEPH CAPO placed a call to a Merchant-1 location in Bronx, New York (the "Bronx Store"). During that phone call, the caller provided instructions to a Merchant-1 store employee at the Bronx Store that caused a Merchant-1 gift card ending in 9193 to be loaded with \$2,000 in store credit. Later that same day, defendant JOSEPH CAPO visited a Merchant-1 location in Fairfield, New Jersey (the "Fairfield Store") and purchased one or more items for approximately \$920.58 using the Merchant-1 gift card ending in 9193. The Fairfield Store's security camera captured defendant JOSEPH CAPO exiting the Fairfield Store with his purchases at approximately 8:37 p.m. on September 25, 2013.

Sample Transactions on October 27, 2015

8. On or about October 27, 2015, at approximately 12:33 p.m., defendant JOSEPH CAPO arrived at a Merchant-1 location in Allentown, Pennsylvania (the "Allentown Store"), and proceeded to the Optical Department. Defendant JOSEPH CAPO placed on the cash register in the Optical Department a sticker that read "POS Register Reset," along with two barcodes and the logo of Merchant-1. Defendant ANTOINETTE FISCHER was also in the Allentown Store at the same time as defendant JOSEPH CAPO. Defendant JOSEPH CAPO then exited the store and got into a black Chevrolet Tahoe (the "Tahoe"). Surveillance footage shows that defendant ANTOINETTE FISCHER also got into the Tahoe.

9. At approximately 1:49 p.m. on the same date, a call was placed to the register in the Optical Department of Allentown Store from a phone number ending in 6501. The caller claimed to be from the Merchant-1 headquarters. The caller informed the employee at the cash register that the register's system needed to be "reset," and instructed the employee to locate the sticker that read

“POS Register Reset” in order to reset the system. The employee complied. In reality, the use of the barcodes on the sticker—which defendant JOSEPH CAPO had placed on the register earlier—caused each of the Merchant-1 gift cards ending in 0693 and 5768 respectively to be loaded with \$2,000 in store credit.

10. At approximately 2:02 p.m., defendant JOSEPH CAPO arrived at a Merchant-1 store in Temple, Pennsylvania (the “Temple Store”) and proceeded to the Electronics Department, where he purchased one or more items using Merchant-1 gift card ending in 5768. Defendant JOSEPH CAPO exited the store and placed his purchases in the Tahoe. Surveillance footage shows that defendant ANTOINETTE FISCHER was in the store at the same time that Merchant-1 gift card ending in 5768 was used, and also exited the store with merchandise and got into the Tahoe.

11. At approximately 3:18 p.m., defendant JOSEPH CAPO arrived at a Merchant-1 store in Wyomissing, Pennsylvania (the “Wyomissing Store”) and proceeded to the Electronics Department, where he purchased one or more items using Merchant-1 gift cards ending in 5768 and 0693. Surveillance footage shows defendant JOSEPH CAPO then leaving the Wyomissing Store in the Tahoe.

12. Also on October 27, 2015, at approximately 5:15 p.m. (EST), an employee at a Merchant-1 store in Seattle, Washington received a phone call from telephone number ending in 6641. The caller caused the employee to provide him with the employee’s cell phone number. The caller then sent the employee a text message containing two barcode labels, and provided the employee with instructions, which the employee followed, and which caused the employee to load Merchant-1 gift card ending in 0086 with \$2,000 in store credit.

13. At approximately 5:55 p.m., surveillance footage shows defendants JOSEPH CAPO and ANTOINETTE FISCHER arriving at a Merchant-1 store in Reading, Pennsylvania (the “Reading Store”). Defendant ANTOINETTE FISCHER used the gift card ending in 0086 to purchase multiple items, including a Dyson vacuum cleaner, for approximately \$673.24. Surveillance footage from the Reading Store captured defendant ANTOINETTE FISCHER exiting the store with, among other things, the package containing the Dyson vacuum cleaner.